

HOUSE BILL No. 1526

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-10-1; IC 25-27-1-2.

Synopsis: Chiropractors. Defines certain terms concerning chiropractic techniques for the purpose of the chiropractic licensing statute. Prohibits a physical therapist from performing certain procedures. Provides that teaching, doing research, providing advisory services, conducting seminars on physical therapy, or providing physical therapy for students in a school setting by a physical therapist or a physical therapist's assistant who is working under the direct supervision of a physical therapist who is employed by the school or who has a contract with the school that has been approved by the school superintendent does not require a referral from certain health professionals. Prohibits a licensed physical therapist from evaluating
(Continued next page)

Effective: July 1, 1999.

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January 19, 1999, read first time and referred to Committee on Public Health.



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Digest Continued

a physical disability or mental disorder outside the scope of physical therapy.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1526

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-10-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
3 article:
4 (1) "Chiropractic" means the diagnosis and analysis of any
5 interference with normal nerve transmission and expression, the
6 procedure preparatory to and complementary to the correction
7 thereof by an adjustment of the articulations of the vertebral
8 column, its immediate articulation, and includes other incidental
9 means of adjustments of the spinal column and the practice of
10 drugless therapeutics. However, chiropractic does not include any
11 of the following:
12 (A) prescription or administration of legend drugs or other
13 controlled substances;
14 (B) performing of incisive surgery or internal or external
15 cauterization;



- 1 (C) penetration of the skin with a needle or other instrument
- 2 for any purpose except for the purpose of blood analysis;
- 3 (D) use of colonic irrigations, plasmatics, ionizing radiation
- 4 therapy, or radionics;
- 5 (E) conducting invasive diagnostic tests or analysis of body
- 6 fluids except for urinalysis;
- 7 (F) the taking of x-rays of any organ other than the vertebral
- 8 column and extremities; and
- 9 (G) the treatment or attempt to treat infectious diseases,
- 10 endocrine disorders, or atypical or abnormal histology.
- 11 (2) "Chiropractor" means any person who is qualified under this
- 12 chapter to practice the science of chiropractic.
- 13 (3) "Board" means the board of chiropractic examiners under
- 14 section 1.5 of this chapter.
- 15 (4) "Bureau" means the health professions bureau under
- 16 IC 25-1-5.
- 17 (5) **"Adjustment" means a specific form of direct articular**
- 18 **manipulation using long or short leverage techniques with**
- 19 **specific contacts that are characterized by a dynamic thrust**
- 20 **of controlled velocity, amplitude, and direction.**
- 21 (6) **"Articulation" or "articular" means the junction of two**
- 22 **(2) or more bones.**
- 23 (7) **"Manipulation" means a passive maneuver in which a**
- 24 **specific directed manual force is applied to vertebral and**
- 25 **extravertebral articulation of the human body with the**
- 26 **purpose to restore mobility to a restricted area.**
- 27 (8) **"Mobilization" means the process of making a part of the**
- 28 **body movable using a form of manual therapy that is applied**
- 29 **within the physiological passive range of joint motion that is**
- 30 **characterized by a nonthrust increase in passive joint**
- 31 **movement.**
- 32 SECTION 2. IC 25-10-1-14 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) This section
- 34 applies to all persons, including persons listed in IC 25-22.5-1-2.
- 35 (b) A person may manually manipulate, manually adjust, or
- 36 manually mobilize the spinal column or the vertebral column of an
- 37 individual only if the person is:
- 38 (1) a chiropractor who has been issued a license under this
- 39 chapter;
- 40 (2) a physician who has been issued an unlimited license to
- 41 practice medicine under IC 25-22.5; or
- 42 (3) an osteopathic physician who has been issued a license to

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practice osteopathic medicine under IC 25-22.5.

(c) A person may not delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column of an individual to another person, unless the other person is:

- (1) licensed as a chiropractor under this chapter;
- (2) licensed as a physician with an unlimited license to practice medicine under IC 25-22.5;
- (3) licensed as an osteopathic physician with a license to practice osteopathic medicine under IC 25-22.5;
- (4) a student in the final year of course work at an accredited chiropractic school participating in a preceptorship program and working under the direct supervision of a chiropractor licensed under this chapter; or
- (5) a graduate of a chiropractic school who holds a valid temporary permit issued under section 5.5 of this chapter.

(d) If a violation of subsection (b) or (c) is being committed:

- (1) the board in its own name;
- (2) the board in the name of the state; or
- (3) the prosecuting attorney of the county in which the violation occurs, at the request of the board and in the name of the state;

may apply for an order enjoining the violation from the circuit court of the county in which the violation occurs.

(e) Upon a showing that a person has violated subsection (b) or (c), the court may grant without bond an injunction, a restraining order, or other appropriate order.

(f) ~~This section does not apply to a physical therapist practicing under IC 25-27. However, A physical therapist may not:~~

- ~~(1) practice chiropractic (as defined in IC 25-10-1-1) or unless licensed under this article;~~
- ~~(2) practice medicine (as defined in IC 25-22.5-1-1.1) unless licensed to do so under IC 25-22.5; or~~
- ~~(3) perform an adjustment on the human body.~~

However, a physical therapist may perform a mobilization process.

SECTION 3. IC 25-27-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Except as otherwise provided in this chapter, it is unlawful for a person to:

- (1) practice physical therapy; ~~or to~~
- (2) profess to be a physical therapist, physiotherapist, or physical therapy technician; ~~or to~~
- (3) use the initials "P.T.", "P.T.T.", or "R.P.T.", or any other letters, words, abbreviations, or insignia indicating that the person



is a physical therapist; or ~~to~~

(4) practice or to assume the duties incident to physical therapy; without first obtaining from the board a license authorizing the person to practice physical therapy in this state.

(b) **Except as provided in this chapter**, it is unlawful for a person to practice physical therapy other than upon the order or referral of a physician, podiatrist, psychologist, chiropractor, or dentist holding an unlimited license to practice medicine, podiatric medicine, psychology, chiropractic, or dentistry, respectively. ~~It is unlawful for a physical therapist to use the services of a physical therapist's assistant except as provided under this chapter.~~ For the purposes of this subsection, the function of:

(1) teaching;

(2) doing research;

(3) providing advisory services; ~~or~~

(4) conducting seminars on physical therapy; **or**

(5) providing physical therapy for students in a school setting by a physical therapist or a physical therapist's assistant who is working under the direct supervision of a physical therapist who is employed by the school or who has a contract with the school that has been approved by the school superintendent; is does not considered to be a practice of physical therapy: require a referral from a physician, podiatrist, psychologist, chiropractor, or dentist.

(c) **A physical therapist may not use the services of a physical therapist's assistant except as provided under this chapter.**

~~(c)~~ (d) Except as otherwise provided in this chapter, it is unlawful for a person to:

(1) act as a physical therapist's assistant; or ~~to~~

(2) use initials, letters, words, abbreviations, or insignia indicating that the person is a physical therapist's assistant;

without first obtaining from the board a certificate authorizing the person to act as a physical therapist's assistant. It is unlawful for the person to act as a physical therapist's assistant other than under the direct supervision of a licensed physical therapist who is in responsible charge of a patient or under the direct supervision of a physician. However, nothing in this chapter prohibits a person licensed or registered in this state under another law from engaging in the practice for which the person is licensed or registered. These exempted persons include persons engaged in the practice of osteopathy, chiropractic, or podiatric medicine.

~~(d)~~ (e) This chapter does not authorize a person who is licensed as



- 1 a physical therapist or certified as a physical therapist's assistant to:
- 2 (1) evaluate any physical disability or mental disorder ~~except~~
- 3 ~~upon the order or referral of a physician, podiatrist, psychologist,~~
- 4 ~~chiropractor, or dentist; outside the scope of physical therapy~~
- 5 ~~(as defined in section 1(1) of this chapter);~~
- 6 (2) practice medicine, surgery (as described in
- 7 IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathy,
- 8 psychology, chiropractic, or podiatric medicine; or
- 9 (3) prescribe a drug or other remedial substance used in medicine.
- 10 **(f) A certified physical therapist's assistant may not evaluate a**
- 11 **physical disability or mental disorder.**

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